

JOSEPH RUSSONIELLO (CABN 44332)
United States Attorney

BRIAN J. STRETCH (CABN 163973)
Chief, Criminal Division

WENDY THOMAS (NYBN 4315420)
Special Assistant United States Attorney

450 Golden Gate Avenue
San Francisco, California 94102
Telephone: (415) 436-6809
Facsimile: (415) 436-7234

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) No. CR 3-09-70052 EDL
Plaintiff,)
v.) [PROPOSED] ORDER AND
FRANCISCO RUIZ SORIA,) STIPULATION TO EXCLUDE TIME
a/k/a Domingo Zepeda,) FROM JANUARY 29, 2009 TO
Defendant.) FEBRUARY 10, 2009

On January 29, 2009, the parties in this case appeared before the Honorable Elizabeth D. Boppre for a detention hearing. At that time, the parties stipulated that time should be excluded from the Speedy Trial Act calculation and extended under Rule 5.1 of the Federal Rules of Criminal Procedure from January 29, 2009, to February 10, 2009 to allow effective preparation by defense counsel. Counsel for defendant is reviewing the evidence to determine whether a pre-charge disposition is appropriate. Only after evaluating the evidence will counsel be in a position to evaluate what disposition is an appropriate one. Moreover, defense counsel also requires time to review discovery with his client. The parties represented that granting the

**PROPOSED ORDER AND STIP.
CR 3-09-70052 EDL**

1 exclusion was reasonable, taking into account the exercise of due diligence. See 18 U.S.C. §
2 3161(h)(8)(B)(iv). The parties also agreed that the ends of justice served by granting such a
3 continuance outweighed the best interests of the public and the defendant in a speedy trial. See
4 18 U.S.C. § 3161(h)(8)(A).

5 IT IS SO STIPULATED.

6 DATED: 2/2/09

/s/

7 RON TYLER
Counsel for Defendant

9 DATED: 2/2/09

/s/

10 WENDY THOMAS
Special Assistant United States Attorney

12 IT IS HEREBY ORDERED that time is excluded under the Speedy Trial Act and extended
13 under Rule 5.1 of the Federal Rules of Criminal Procedure from January 29, 2009, to February
14 10, 2009, under 18 U.S.C. § 3161(h)(8)(A) and 18 U.S.C. § 3161(h)(8)(B)(iv) and F.R.C.P. 5.1.

15 IT IS SO ORDERED.

17 DATED: 2/9/09



28 PROPOSED ORDER AND STIP.
CR 3-09-70052 EDL